

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**GOLDSTEIN FAMILY PARTNERSHIP,  
LP, as nominee and agent for several  
lenders.**

**Plaintiff,**

v.

**Q LOTUS, INC., Q LOTUS HOLDINGS  
INC., GARY A. ROSENBERG TRUST,  
UNDER THE WILL OF BEN J.  
ROSENBERG DATED AUGUST 28, 1978.**

### **Defendants.**

Case No. 17-CV-08964-GHW  
**AFFIDAVIT OF DAVID D. HOLAHAN,  
ESQ. IN SUPPORT OF REQUEST FOR  
CERTIFICATE OF DEFAULT**

I, David D. Holahan, Esq. do hereby declare under the penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and accurate to the best of my knowledge, information and belief:

1. I am a partner at the law firm of Tannenbaum Helpern Syracuse & Hirschtritt LLP, counsel for Plaintiff Goldstein Family Partnership, LP, as nominee and agent for several lenders ("Plaintiff"). I respectfully submit this Affidavit in support of Plaintiff's Request for a Certificate of Default by Defendants Q Lotus, Inc., Q Lotus Holdings Inc., and Gary A. Rosenberg Trust, Under the Will of Ben J. Rosenberg dated August 28, 1978 (the "Rosenberg Trust" and, together with Q Lotus, Inc. and Q Lotus Holdings Inc., "Defendants").

2. This action was commenced pursuant to 28 U.S.C. § 1332, in that this is a civil action where Plaintiff has damages that exceed the sum of \$75,000, exclusive of interest and costs, and is between citizens of different states.

3. The time for Defendants Q Lotus, Inc., Q Lotus Holdings Inc. and the Rosenberg Trust, to answer or otherwise move with respect to the complaint has expired.

4. To the best of my knowledge, Defendants are corporations and a trust, and therefore they are not an infant, in the military, or an incompetent person.

5. As set forth in the Affidavits of Service filed by Concheita Richardson (Doc. Nos. 13, 14 and 15), Defendants were properly served with the Summons in this Civil Action, Plaintiff's Complaint for Breach of Promissory Note and Guarantees, and a Civil Cover Sheet on December 8, 2017.

**WHEREFORE**, Plaintiff requests that the defaults by Defendants be noted and a certificate of default issues.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information and belief, that the amount claimed is justly due to plaintiff, and that no part thereof has been paid.

Dated: February 13, 2018  
New York, New York

By: 

David D. Holahan  
Tannenbaum Helpern Syracuse &  
Hirschtritt, LLP  
900 Third Avenue  
New York, New York 10022  
Tel: (212) 508-6719  
Email: [holahan@thsh.com](mailto:holahan@thsh.com)  
*Attorneys for Plaintiff Goldstein  
Family Partnership, LP, as nominee  
and agent for several lenders*